

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARVIN CLARK,

Plaintiff

v.

C-1-08-70

COMMISSIONER OF SOCIAL SECURITY,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 14) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case. This Court accepts the Report as uncontroverted. The Report and Recommendation is **ADOPTED AND INCORPORATED** herein.

Accordingly, for the reasons stated in the Report and Recommendation (doc. no. 14), this Court, makes no finding concerning the correctness of the ALJ's non-disability analysis. This matter is **REMANDED** to the defendant under the Sixth Sentence of 42 U.S.C. § 405(g) to consider the new medical evidence in question and to determine anew plaintiff's disability status.

The parties are to report back to the Court within 30 days of the issuance of the subsequent decision. This case is **STAYED AND ADMINISTRATIVELY TERMINATED** on the docket of this Court pending receipt of the reports. The parties are granted leave to move to reinstate the case on the Court's active docket as the parties deem appropriate.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court